

NO. PD-0556-18

KARL DEAN STAHMANN	§	IN THE COURT OF
	§	FILED
	§	COURT OF CRIMINAL APPEALS
v.	§	3/5/2019
	§	CRIMINAL APPEALS
	§	DEANA WILLIAMSON, CLERK
THE STATE OF TEXAS	§	AT AUSTIN, TEXAS

STATE'S LETTER OF SUPPLEMENTAL AUTHORITY

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes the State of Texas and files this its *Letter of Supplemental Authority*, regarding an additional case the State discovered while preparing for oral argument and plans on discussing at oral argument. The case is *Lewis v. State*, No. 13-18-00041-CR, 2018 Tex. App. LEXIS 10779, 2018 WL 6802134 (Tex. App.—Corpus Christi Dec. 27, 2018, no pet.) (not designated for publication).

In *Lewis*, while standing outside his vehicle during a traffic stop, the appellant distracted one of the troopers on scene and dumped out the contents of a baggie of methamphetamine. *Lewis*, 2018 Tex. App. LEXIS 10779 at *2-3. Neither trooper on scene observed the appellant dump out the contents of the baggie, until they later reviewed a video recording of the traffic stop. *Id.* at *8, n.7. The Thirteenth Court of Appeals distinguished *Stahmann*, because the appellant “actually managed to remove the baggie from the officers’ sight, at least temporarily.” *Id.* at *8. The Court observed:

Although [the] appellant showed [the trooper] the baggie shortly thereafter, and the officers testified that the baggie was visible on the

video recording, it is not necessary to show that an item was permanently concealed in order to support a tampering charge.

Id. at *8-9 (citing to *Hines v. State*, 535 S.W.3d 102, 110 (Tex. App.—Eastland 2017, pet. ref'd). The Court found the evidence sufficient to support the jury's verdict that the appellant concealed a baggie, as alleged in Count II of the indictment.

Respectfully submitted,

/s/ Jacqueline Hagan Doyer

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CERTIFICATE OF SERVICE

I, Jacqueline Hagan Doyer, Assistant District Attorney for the State of Texas, Appellee, hereby certify that a true and correct copy of this *Letter of Supplemental Authority* has been delivered to Appellant KARL DEAN STAHMANN's attorney of record in this matter, along with the State Prosecuting Attorney's office:

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By electronically sending it through efile.txcourts.gov to the foregoing email addresses on this, the 5th day of March, 2019.

/s/ Jacqueline Hagan Doyer
Jacqueline Hagan Doyer